

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 1-3, 5-9, 10 and 14 have been amended. Claims 4 and 11 have been cancelled and the subject matter thereof has been added to claims 1 and 10 respectively. Claims 1-3 and 5-16 are pending for further examination.

The objected to informalities in claim 1 have been corrected and withdrawal of the objection is respectfully requested. Additionally, claims 1-3 and 5-7 have been amended to more clearly claim a game apparatus. Further amendments have been made to more clearly define Applicant's invention. Applicant submits that the subject changes define Applicant's invention with the requires reasonable degree of precision and particularity required by 35 U.S.C. §112.

Claims 1-4 and 7-9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Crowley (U.S. Pat. 6,096,962) in view of Koguchi (U.S. Pat. 5,148,419). Applicant submits that the applied references do not even remotely disclose or suggest the claimed combination.

For example, claims 1, 8 and 9 recite, *inter alia*, "randomly selecting one kind of the phrase data from one group stored in said phrase data storage area including incrementing said continuous counter when the phrase data selected last time and the phrase data selected this time agree and re-selecting the phrase data when a count value

of said continuous counter is larger than a predetermined value.” Crowley does not disclose or suggest this claim element.

Crowley describes a RAM/ROM address counter. (col. 3, lines 47-48). This counter provides the data needed address the program RAM/ROM. At no point does Crowley teach or suggest incrementing a counter when a phrase data, that is the same as the previous phrase data, is selected, comparing the counter to a predetermined value, and, if the counter is larger than the value, re-selecting the phrase data. Koguchi, introduced to teach a tone color data storage area, does not cure the above noted deficiency of Crowley.

For at least this reason, Applicant submits that claims 1, 8 and 9 are allowable over the prior art of record. Claims 2-3, and 5-7 should also be allowable based at least on their dependency from allowable claim 1.

While the Office Action was silent on the statutory grounds for rejection of claims 10-16, Applicant assumes, based on the reasoning presented in the Office Action, that the rejection was grounded on 35 U.S.C. §102. Whether the rejection was intended to be grounded on anticipation or obviousness, Applicant submits that Crowley does not teach or suggest the claimed combination.

For example, claim 10, as amended, now recites, *inter alia*, “counting the number of times the currently selected set of phrase data has been continuously selected” and “re-selecting a new set of phrase data if the currently selected phrase data has been continuously selected more than a predetermined number of times.” As set forth with

respect to claim 1, this element is found nowhere in the teachings of Crowley.

For at least this reason, claim 10 should be allowable. Claims 11-16 should be allowable based at least on their dependency from allowable claim 10.

Claims 5-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Crowley in view of Koguchi and further in view of Ishikawa et al (U.S. Pat. App. Pub. No. 2001/0016510). Ishikawa, however, does not cure the noted deficiencies of Crowley and Koguchi with respect to claim 1, and thus claims 5 and 6 should be allowable based at least on their dependency from allowable claim 1.

For at least the foregoing reasons, Applicant respectfully submits that the invention defined by the amended claims herein is not taught or suggested by the prior art of record. Thus, withdrawal of the rejections and allowance of this application are earnestly solicited.

Respectfully submitted,

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